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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

LE, UYEN T

ART UNIT PAPER NUMBER

2163

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Applicati n N . | | Applicant(s) | |
| | 10/723,724 | | TEBBS ET AL. | |
| | Examiner | | Art Unit | |
| | Uyen T. Le | | 2163 | |

-- The MAILING DATE of this communicati n appears n th c ver sheet with the c rrespondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-111 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-111 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9 August 2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 39 is objected to because of the following informalities: claim 39 recites "the method of claim 38". Note claim 38 is directed to an apparatus. Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 506-522, 620-634. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: the specification does not mention elements 506-522 and 620-634 of Figures 5 and 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-56, 77-111 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 17, 38, 42, 77, 85, 106, 109 merely recite an abstract idea. Although method claims 1, 17 recite active steps, they do not seem to produce any concrete, useful and tangible result. Claims 38, 42 recite an apparatus in the preamble. However the body of the claims consists of pure non-functional descriptive material. Although claims 77, 85 recite a computer readable medium, the steps caused by executing the computer program instructions do not seem to produce any concrete, useful and tangible result. Claims 106, 109 recite an apparatus in the preamble. However, the claimed means do not seem to produce any concrete, useful and tangible result.

Claims 2-16, 18-37, 39-41, 43-56, 78-84, 86-105, 107, 108, 110, 111 do not seem to cure the deficiencies of their parent claims, thus are also directed to non-statutory subject matter.

The art rejection is being applied in anticipation of applicant amending the claims to place them in a statutory class.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2163

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 9, 10, 17-20, 28-30, 38-44, 50-52, 57, 58, 65, 66, 73-78, 80, 81, 85-88, 96-98, 106-111 are rejected under 35 U.S.C. 102(a) as being anticipated by Gen-Tec 2000 Annual Conference transcription from audio tape, provided by the applicant.

Regarding claim 1, Gen-Tec discloses receiving a genealogical data element and determining a rating wherein the rating is associated with the genealogical data element when Gen-Tec shows receiving genealogical information and ranking information automatically (see page 3, paragraph 3).

Regarding claim 2, Gen-Tec discloses genealogical element selected from source information (see page 1, paragraph 6).

Claim 9 merely repeats the operations claimed in claim 1. The method of Gen-Tec clearly operates in that manner since it determines a rating for each received genealogical element (see page 3, paragraph 3).

Regarding claim 17, Gen-Tec discloses the concept of associating a rating of a first genealogical data element with a rating of a second genealogical data element when Gen-Tec shows comparison with external databases (see page 4, item 6).

Claim 18 merely reads on the fact that the method of Gen-Tec produces results of determining the rating of a genealogical element after considering all information received (see page 3, paragraph 3, last 14 lines).

Regarding claim 28, the claimed adjusted rating of the first genealogical data element based on the associating reads on technique 5 at page 7 of Gen-Tec.

Claims 38, 42, 57, 73, 106, 109 correspond to an apparatus recited in different wording for the method of claims 1, 17, thus are rejected for the same reasons discussed in claims 1, 17 above.

Regarding claim 40, Gen-Tec discloses the rating is influenced by a rating associated with a second genealogical data element when Gen-Tec shows that more credibility is given to the information if sources were mentioned (see page4, item 3).

Regarding claim 50, Gen-Tec teaches the concept of adjusted rating (see page 7, technique 5).

Regarding claim 65 which repeats the operation performed by the processor recited in claim 57 with the added limitation of utilizing the rating associated with the second genealogical data element to determine the rating of the genealogical data element, Gen-Tec discloses such concept when Gen-Tec shows the method uses a feed back loop (see page 3, paragraph 3, last five lines).

Claim 74 merely repeats the operation of claim 73 one more time, thus is rejected for the same reasons stated in claim 73 above.

Claim 80 is rejected for the same reasons stated in claim 9 above.

Claims 77, 85, 86, 96 correspond to a computer-readable medium for the method of claims 1, 17, 18, 28, thus are rejected for the same reasons discussed in claims 1, 17, 18, 28 above.

Claims 10, 19, 20, 29, 30, 39, 41, 43, 44, 51, 52, 58, 66, 75, 76, 78, 81, 87, 88, 97, 98 are rejected for the same reasons discussed in claim 2 above.

Claims 107, 110 correspond to an apparatus for the method of claim 28, thus is rejected for the same reasons discussed in claim 28 above.

Regarding claims 108, 111, the apparatus of Gen-Tec has to have means for storing the genealogical data and the rating since it is a computerized system.

Claim Rejections - 35 USC § 103

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-8, 11-16, 21-27, 31-37, 45-49, 53-56, 59-64, 67-72, 79, 82-84, 89-95, 99-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gen-Tec 2000 Annual Conference transcription from audio tape, provided by the applicant.

Regarding claim 3, although Gen-Tec does not specifically show performing a mathematical operation, since the ranking and rating are automated (see page 3, paragraph 3), it would have been obvious to one of ordinary skill in the art to include performing a mathematical operation in order to systematically rate a data element received.

Regarding claims 4-7, official notice is taken that it is well known in the art to use the claimed mathematical operations and functions in rating systems. Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed limitations while implementing the method of Gen-Tec in order to benefit from standardized rating techniques.

Regarding claim 8, although Gen-Tec does not specifically show a debit or credit is exchanged for the determining, Gen-Tec teaches the concept of using other people rating systems (see page 3, paragraph 3). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the method of Gen-Tec in order to use the system provide by other people.

Claims 11, 21, 22, 31, 32, 45, 53, 59, 67, 79, 82, 89, 90, 99, 100 are rejected for the same reasons discussed in claim 3 above.

Claims 12-15, 23-26, 33-36, 46-49, 54-56, 60-63, 68-71, 83-84, 91-94 are rejected for the same reasons discussed in claims 4-7 above.

Claims 16, 27, 37, 64, 72, 95, 105 are rejected for the same reasons discussed in claim 8 above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

17 June 2006



UYEN LE
PRIMARY EXAMINER